

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE**  
**WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF**  
**NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** San Francisco, California

**FILE NUMBER:** 28478S

**REGULATORY PROJECT MANAGER:** Bob Quebedeaux **Date:** April 1, 2004

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y) **Date:** April 1, 2004

At the project site (Y) **Date:** March 15, 2004

**PROJECT LOCATION INFORMATION:**

State: California

County: San Francisco

Approximate size of site/property (including uplands & in acres): < 1 ac

Name of waterway or watershed: Pine Lake

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond	x								
Other water (identify type)									
_____									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			x		
Is or would be used as habitat by other migratory birds that cross state lines?			x		
Is or would be used as habitat for endangered species?				x	
Is used to irrigate crops sold in interstate commerce?		x			

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

Preliminary ☐ Or Approved ☒.

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):**

The lake has no outflow, and the only inflow is from the immediate surface runoff within the boundaries of Pine Lake Park. This input to Pine Lake is not within any type of natural channel or stream feature, but enters through unconsolidated surface and ground flow.

In addition, the interstate commerce nexus to these particular waters is insufficient to establish Clean Water Act jurisdiction, as such: Pine Lake has no water-based recreational use. No boating occurs, nor is there any existing or planned boat ramps or boat access points along the lake shore. Fishing is also prohibited and is signed as such at the lake.